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From:	Patrick J.S. Inouye, Esq.	**Date:**	January 8, 2007
Re:	U.S. Patent Application Serial No. 09/717,278	**Pages:**	16 (including cover sheet)
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1. USPTO Transmittal Form
2. Reply Brief

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)			
		Application Number	09/717,278
		Filing Date	November 22, 2000
		First Named Inventor	Wang Baldonado, Michelle Q.
		Art Unit	2152
		Examiner Name	Victor D. Lesniewski
Total Number of Pages in This Submission		Attorney Docket Number	A0834

ENCLOSURES *(Check all that apply)*

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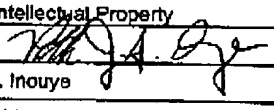
Signature			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Wang Baldonado et. al.	Group Art Unit: 2152
Serial No. 09/717,278	Examiner: Victor Lesniewski
Filed: November 22, 2000	
For: Systems And Methods For Performing Sender-Independent Managing Of Electronic Messages	

REPLY BRIEF

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
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REPLY BRIEF ON BEHALF OF WANG BALDONADO ET. AL.:

Appellant appeals from the final Office action mailed May 12, 2006, in which currently-pending claims 1-8, 10-14, and 16-25 stand rejected. Appellant filed a Notice of Appeal on July 12, 2006 and an Appeal Brief on September 12, 2006. An Examiner's Answer was mailed on November 07, 2006. This Reply Brief is submitted in response to the Examiner's Answer, pursuant to 37 C.F.R. § 41.41(a)(1).

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1. STATUS OF CLAIMS

Rejected Claims 1-8, 10-14, and 16-25 are pending and are the subject of this Reply Brief. The claims involved in this appeal are included in the Claims Appendix 4.

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2. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-8, 10-14, and 16-25 were properly rejected under 35 U.S.C. § 102(b) as being anticipated by U.K. Patent Application Publication No. GB 2,324,627, filed by Simoni and Pan ("Pan").

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3. CLARIFYING ARGUMENT

This Reply Brief presents clarifying remarks in rebuttal to the Examiner's Answer. The primary distinction between Pan and the invention claimed is an ability to monitor and select messages from an information stream, which applicant continues to assert is neither disclosed, taught nor suggested by Pan.

The issue is not whether Pan discloses digests. Rather, the issue is that Pan fails to disclose digests *from an information stream* (emphasis added). In Pan, users post news articles to newsgroups, allowing other users to participate in discussions in a non-real time fashion (*Pan*, p. 1, lines 13-17). The posted articles are not received one after the other but instead, the articles are received when a user accesses a newsgroup or a group of related newsgroups by activating links to newsgroups or links to categories (*Pan*, p. 11, lines 3-7). These links thereby enable users to access the statically stored news articles.

Claims 1, 7, 13, and 19, however, recite obtaining a plurality of digests from an information stream comprising a plurality of candidate messages. The information stream is neither static nor stored. Such limitation must be considered in the totality. By way of background, a digest tool allows a user to obtain a digest from an information stream, independent of options provided by a list manager or an information source (Spec., p. 5, lines 4-8). Information streams include electronic messages, such as email messages, or any serial message stream or serial database recording system events (Spec., p. 9, lines 15-22). Serial messages, such as email messages, appear one at a time. A "serial database" stores messages, such as system events, in a database one at a time. An information stream allows each item in the stream to be monitored and selected, such that a determination can be made regarding what is contained in that item without requiring anything else, such as further items from the information stream. A data stream, as in Pan, does not allow such monitoring and selecting because there are no digests from an information stream.

Moreover, a non-static information stream can be monitored. Here, one or more sources of information, such as an electronic message stream, are monitored for messages meeting specified selection criteria (Spec., p. 8, lines 14-19). If an

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incoming electronic message meets the selection criteria, that electronic message is selected (Spec., p. 8, lines 19-34). In contrast, Pan discloses a data stream, in which news articles are stored into a static database (*Pan*, p. 16, lines 13-20). The newsgroups are not from a serial one-at-a-time source, such as a serial message stream or serial database. A news server *per se* is not an information stream and Pan, thus, fails to suggest a source that could be identified as an information *stream* where messages can be monitored and selected, per claims 1, 7, 13, and 19.

Accordingly, Pan fails to teach each and every limitation and a *prima facie* case of anticipation under 35 U.S.C. § 102(b) has not been shown. The rejection under 35 U.S.C. § 102(b) cannot be sustained and should be withdrawn. Reconsideration of the pending claims and a Notice of Allowance are respectfully solicited. Appellant's undersigned attorney can be reached at (206) 381-3900.

Dated: January 8, 2007

By: _____
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4. CLAIMS APPENDIX

1. (previously presented): An electronic message management system comprising:

a digest specification device that allows a user to obtain a plurality of digests from an information stream comprising a plurality of candidate messages by allowing the user to specify a set of one or more sender-independent message-based rules for each digest, wherein each set of one or more sender-independent message-based rules specifies one or more characteristics of the candidate messages;

an information selection device that monitors the information stream and selects one or more of the plurality of candidate messages in the information stream that satisfy all of the rules in at least one of the sets of sender-independent message-based rules for at least one of the plurality of digests; and

an electronic message management device that determines, for each of the selected candidate messages, which of the plurality of digests corresponds to the set of sender-independent message-based rules satisfied by the particular selected candidate message, that integrates each of the selected candidate messages into their respective corresponding digests, and that determines and updates the digest based on one or more of the sender-independent message-based rules that specify characteristics of the digest.

2. (original): The system of claim 1, further comprising a digest management device that delivers the digest to a predetermined destination upon satisfaction of at least one of the one or more sender-independent message-based rules.

3. (previously presented): The system of claim 1, further comprising an information sampling device that delivers the selected candidate messages to a predetermined destination based on one or more of the sender-independent message-based rules.

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4. (original): The system of claim 1, further comprising a rule management device that manages the one or more sender-independent message-based rules.

5. (original): The system of claim 1, wherein the one or more sender-independent message-based rules include a Boolean comparison, a statistical-based selection criteria, a fuzzy logic based selection criteria, a keyword based selection criteria, a date, a subject, a recipient or a sender-based selection criteria.

6. (original): The system of claim 1, wherein the electronic message is at least one of an e-mail, an electronic message from a mailing list and bulletin board posting.

7. (previously presented): A method for managing electronic messages comprising:

obtaining a plurality of digests from an information stream comprising a plurality of candidate messages by allowing a user to specify a set of one or more sender-independent message-based rules for each digest, wherein each set of one or more sender-independent message-based rules specifies one or more characteristics of the candidate messages;

monitoring the information stream;

selecting one or more of the plurality of candidate messages in the information stream that satisfy all of the rules in at least one of the sets of sender-independent message-based rules for at least one of the plurality of digests;

determining, for each of the selected candidate messages, which of the plurality of digests corresponds to the set of sender-independent message-based rules satisfied by the particular selected candidate message, and integrating each of the selected candidate messages into their respective corresponding digests; and

determining and updating the digest based on one or more of the sender-independent message-based rules that specify characteristics of the digest.

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8. (original): The method of claim 7, further comprising delivering the digest to a predetermined destination upon satisfaction of at least one of the one or more sender-independent message-based rules.

Claim 9 (cancelled).

10. (previously presented): The method of claim 7, further comprising delivering selected candidate messages to a predetermined destination based on one or more of the sender-independent message-based rules.

11. (original): The method of claim 7, wherein the one or more sender-independent message-based rules include a Boolean comparison, a statistical-based selection criteria, a fuzzy logic based selection criteria, a keyword based selection criteria, a date, a subject, a recipient or a sender-based selection criteria.

12. (original): The method of claim 7, wherein the electronic message is at least one of an e-mail, an electronic message from a mailing list and bulletin board posting.

13. (previously presented): An information storage media comprising information that manages electronic messages comprising:

information that obtains a plurality of digests from an information stream comprising a plurality of candidate messages by allowing a user to specify a set of one or more sender-independent message-based rules for each digest, wherein each set of one or more sender-independent message-based rules specifies one or more characteristics of the candidate messages;

information that monitors the information stream;

information that selects one or more of the plurality of candidate messages in the information stream that satisfy all of the rules in at least one of the sets of sender-independent message-based rules for at least one of the plurality of digests; and

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information that determines, for each of the selected candidate messages, which of the plurality of digests corresponds to the set of sender-independent message-based rules satisfied by the particular selected candidate message, and integrates each of the selected candidate messages into their respective corresponding digests; and

information that determines and updates the digest based on one or more of the sender-independent message-based rules that specify characteristics of the digest.

14. (original): The information storage media of claim 13, further comprising information that deliver the digest to a predetermined destination upon satisfaction of at least one of the one or more sender-independent message-based rules.

Claim 15 (cancelled).

16. (previously presented): The information storage media of claim 13, further comprising information that delivers the selected candidate messages to a predetermined destination based on one or more of the sender-independent message-based rules.

17. (original): The information storage media of claim 13, wherein the one or more sender-independent message-based rules include a Boolean comparison, a statistical-based selection criteria, a fuzzy logic based selection criteria, a keyword based selection criteria, a date, a subject, a recipient or a sender-based selection criteria.

18. (original): The information storage media of claim 13, wherein the electronic message is at least one of an e-mail, an electronic message from a mailing list and bulletin board posting.

19. (previously presented): An electronic message management system comprising:

a digest specification system that allows a user to obtain a plurality of digests from an information stream comprising a plurality of candidate messages by allowing the user to specify a set of one or more sender-independent message-based rules for each digest, wherein each set of one or more sender-independent message-based rules specifies one or more characteristics of the candidate messages;

a data selection system that monitors the information stream and identifies one or more of the plurality of candidate messages in the information stream that satisfy all of the rules in at least one of the sets of sender-independent message-based rules for at least one of the plurality of digests; and

an electronic message management system functionally associated with the data selection system, the electronic message management system adapted to determine, for each of the identified candidate messages, which of the plurality of digests corresponds to the set of sender-independent message-based rules satisfied by the particular selected candidate message, to integrate each of the identified candidate message into their respective corresponding digests, and to determine and update the digest based on one or more of the sender-independent message-based rules that specify characteristics of the digest.

20. (previously presented): The electronic message management system of claim 19, wherein the data selection system samples one or more of the identified candidate messages which meet one or more supplemental selection criteria.

21. (previously presented): The electronic message management system of claim 1, wherein the electronic message management device selects one or more of the candidate messages which meet one or more supplemental selection criteria.

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22. (previously presented): The method for managing electronic messages of claim 7, further comprising selecting one or more of the candidate messages which meet one or more supplemental selection criteria.

23. (previously presented): The information storage media of claim 13, further comprising information that selects one or more of the candidate messages which meet one or more supplemental selection criteria.

24. (previously presented): The method of claim 7, further comprising managing the one or more sender-independent message-based rules.

25. (previously presented): The information storage media of claim 13, further comprising information that manages the one or more sender-independent message-based rules.

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5. EVIDENCE APPENDIX

None.

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6. RELATED PROCEEDINGS APPENDIX

None.

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